



Order Filed on June 13, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

**RUDOLF H. HENDEL and
CATHERINE G. LIN-HENDEL,**

Debtors.

Chapter 11

Case No.: 21-18847

Hearing Dates: May 3, 2022

Judge: John K. Sherwood

ORDER COMPELLING SECURED CREDITOR TO PROVIDE PAYOFF STATEMENT

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**

DATED: June 13, 2022

A handwritten signature in dark ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: Rudolf H. Hendel and Catherine G. Lin-Hendel

Case No.: 21-18847

Caption of Order: **ORDER COMPELLING SECURED CREDITOR TO PROVIDE PAYOFF STATEMENT**

WHEREAS:

- A. Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 (the “Wilmington Trust”) has a mortgage on property owned by Rudolf H. Hendel and Catherine G. Lin-Hendel (the “Debtors”) at 26 Ridge Road, Summit, New Jersey 07901 (the “Property”). The mortgage secures a note in the original amount of \$1,500,000. The servicer for this mortgage loan is Fay Servicing, LLC (“Fay Servicing”).
- B. MEB Loan Trust IV (“MEB”) also has a mortgage on the Property as security for a loan to the Debtors in the original amount of \$500,000. The servicer for this mortgage loan is Select Portfolio Services, Inc. (“SPS”).
- C. The Debtors filed a motion seeking entry of an order compelling Fay, on behalf of Wilmington Trust, and SPS, on behalf of MEB, to issue an honest and fair payoff quotes to the Debtors regarding their mortgage loans (the “Motion”) (ECF No. 52).
- D. The Motion was served on all parties required to receive notice.
- E. The Court considered Debtors’ papers in support of their Motion [ECF Nos. 52, 55, 57, 59, 60, and 65], the secured creditors’ oppositions [ECF Nos. 56 and 62], and the arguments of the parties and counsel at the hearing on the Motion on May 3, 2022.
- F. Based on its review of various documents that were filed in this case, as set forth on the record of the hearing on May 3, 2022, the Court concludes that there is good cause for granting the Motion in part.

IT IS ORDERED:

- 1. Motion is granted in part as set forth on the record.
- 2. Wilmington Trust, by and through Fay Servicing, shall file supplemental papers with a detailed payoff statement (post-petition charges and/or fees, etc., shall be individually itemized rather than provided in a lump sum amount) of the amount due from Debtors on its mortgage loan by May 17, 2022.
- 3. MEB, by through SPS, shall file supplemental papers with a detailed payoff statement (post-petition charges and/or fees shall be individually itemized rather than provided in a lump sum amount) of the amount due from Debtors on its mortgage loan by May 17, 2022.
- 4. Debtors may file a response to each of the creditors’ supplemental papers on or before May 27, 2022 with specific objections to the payoff statements.